

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.06.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.592 of 2017
in
C.M.P.No.8243 of 2017

S.Vinumahesh ...Appellant/Petitioner/
Petitioner

Versus

1. The Tamil Nadu Civil Supplies Corporation,
Represented by its Managing Director
Old No.42, New No.12, Thambusamy Road,
Kilpauk, Chennai- 600 010.
2. The General Manager (Administration)
TNCSC Ltd. Head Office
No.12, Thambusamy Road,
Kilpauk, Chennai - 600 010. ...Respondents/Respondents/
Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.05.2017 passed in W.M.P.No.13101 of 2017 in W.P.No.12335 of 2017 on the file of this court.

WMP.No.13101 of 2017:
Petition filed under Article 226 of the Constitution of India, to issue an order of AD - Interim Stay staying the impugned proceedings bearing reference No. Na.Ka.No.AD 7 / 4796 /2017 dated 28.04.2017 issued by the 2nd respondent on behalf of the 1st respondent pending disposal of the W.P.No.12335 of 2017.

W.P.NO.12335 of 2017:
Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records of the 2nd respondent in connection with the impugned proceedings bearing reference No. Na.Ka.No.AD 7 / 4796 /2017 dated 28.04.2017 served on petitioner on 29.04.2017 and quash the same

For appellant : Mr.V.Prakash, Senior Counsel for
Mr.M.Suresh

For respondents : Mr.C.Munusamy

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.C.Munusamy, learned counsel, who takes notice on behalf of the respondents.

2. It appears that the writ petitioner was originally placed under suspension and on revocation of the same, he was transferred to Tirunelveli, but, instead of joining duty, he filed a writ petition in W.P.No.6200 of 2015 challenging the transfer order and remained absent unauthorisedly which resulted in another disciplinary proceedings. In this regard, the order passed by the second respondent calling upon the writ petitioner to appear for enquiry was sought to be stayed. The order passed by the learned Single Judge declining to grant stay of the above proceedings is under challenge in this writ appeal.

3. It appears that the writ petitioner did not appear for enquiry for about two years despite several opportunities provided to him and hence, the impugned order was passed by the authority.

4. On the other hand, the learned counsel appearing for the appellant has taken a contention that the petitioner being an active participant of a Union, an Officer belonging to the opposing Union has been deputed as the Enquiry Officer and hence, he apprehends that the enquiry may not be proceeded in a proper manner.

5. The order under challenge in this writ appeal being one passed in a miscellaneous petition seeking to stall the proceeding of enquiry, it is still open to the writ petitioner

to raise all his grounds in the main writ petition itself before the learned Single Judge. There is no scope for interference with the order of the learned Single Judge at this stage. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

ssk.

To:

1. The Managing Director
The Tamil Nadu Civil Supplies Corporation,
Old No.42, New No.12, Thambusamy Road,
Kilpauk, Chennai- 600 010.
2. The General Manager (Administration)
TNCSC Ltd.
Head Office
No.12, Thambusamy Road,
Kilpauk, Chennai - 600 010.

+1cc to Mr.C.Munusamy,Advocate sr.39949

+1cc to Mr.K.Sudalaikannan,Advocate sr.40566

W.A.No.592 of 2017

gjII(co)
ss(3/7/2017)

सत्यमेव जयते

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